

**SPONSOR'S REBUTTAL TO FISCAL NOTE**

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**Bill Number:** HB 432**Date Prepared:** 02/20/2013

**Short Title:** A bill for an Act Entitled: "An act generally revising child abuse and neglect laws; providing that court-appointed special advocates may act as guardian ad litem in abuse and neglect proceedings; requiring parents to appear at hearings unless good cause exists in order to challenge or appeal proceedings; establishing timeframes for hearings and rulings under the reasonable efforts and termination of parental rights provisions; providing additional requirements for dismissal of a child abuse and neglect petition; requiring that appointed or assigned counsel possess training and experience relating to child abuse and neglect; clarifying the "show-cause" provisions; amending sections 41-3-112, 41-3-422, 41-3-423, 41-3-424, 41-3-425, 41-3-427, 41-3-604, 41-3-607, and 41-3-609, MCA, and providing an applicability date.

**Sponsor:** Rep. Kimberly Dudik

**Fiscal Note Version & Date:** FN requested by Budget Office on 02/12/13. No FN was originally needed/requested.

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**Generally, why do you disagree with the fiscal note?**

The fiscal note states new trainings must be created and provided by the Office of Public Defender. This Office already has conferences and trainings it conducts through which to train their attorneys so no new conferences need to be created. Additionally, many legal trainings are provided throughout the state that satisfy the training required. In addition, there will be a reduction in attorneys appointed to represent children which will result in a fiscal reduction because fewer attorneys will be required to be appointed and paid for by the state. The fiscal note does not take that into account.

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**Specifically, what in the fiscal not do you feel is flawed?**

*(Describe specific assumptions, calculations, technical issues, etc.)*

1. Fiscal savings for the reduced need to assign attorneys for children because CASAs will be recognized as GALs in child abuse and neglect cases has not been accounted for.
2. New trainings and conferences will not need to be created by the Office of Public Defender to provide the training described in HB 432.

The office already provides trainings for continuing legal education for its attorneys so any additional information can be provided at these existing trainings and conferences. Additionally, many if not most or all of the attorneys providing these legal services already have the training required. Last, different continuing legal education programs already exists that provide the training that the legal changes in this bill will be satisfied by. If the Office of Public Defender wants to provide additional training to personalize the training they provide, they are free to do this but they are not required to provide the additional training pursuant to the new law.

Plus, they are specifically not obligated to provide new training to non-employee attorneys through the amendment to HB 432. There already is an existing obligation by the Office to provide training to its attorneys to ensure they are competent - this just reiterates that training and duty.

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**What is your estimate of the fiscal impact?**

The fiscal impact will be zero. I think it will actually be a negative of \$50,000 at least for the reduced need to appoint attorneys for children based on the GAL change.

**Sponsor Signature:**

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